



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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Alex Morris
Franconia Inn
1300 Easton Rd
Franconia, New Hampshire 03580

LETTER OF DEFICIENCY
WMB PBF 02-31
July 9, 2002

Dear Mr. Morris:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On June 26, 2002, DES inspected the following public bathing facilities at the Franconia Inn in Franconia, NH: the outdoor pool ("Pool") and spa ("Spa"). During this inspection the following deficiencies were noted:

- Pursuant to Env-Ws 1103.16(a), disinfection of spa water shall be achieved by continuous feed equipment. The Spa is currently being disinfected by hand feeding.
- 2 Pursuant to Env-Ws 1104.03(b), the operator shall be responsible for posting conspicuously displayed signs informing patrons of the DES rules relative to patron responsibilities (enclosed copy) and any other safety rules developed by the bathing facility management. Patron rules were not posted at the Pool at the time of the inspection.
 - 3 Pursuant to Env-Ws 1104.03(d)(7), a clock shall be visible from all public spas. A clock was not visible from the Spa at the time of the inspection.
 - 4 Pursuant to Env-Ws 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Pool at the time of the inspection.
 - 5 Env-Ws 1104.03(e)(1) states that the depth of water in feet shall be plainly and conspicuously marked at or above the water line on the vertical pool wall and on the top of the coping or edge of the deck or walk next to the pool. The depth of the Pool was not marked on the vertical pool wall of the Pool.
 - 6 Pursuant to Env-Ws 1103.11, all outdoor swimming pools shall have a wall, fence or other enclosure constructed around the entire pool or recreational area, which shall include self-closing and self-latching gates and shall be a minimum of 4 feet high measured on the inside and outside. The enclosure surrounding the Pool does not include self-closing and latching gates and is not constructed around the entire pool area.
 - 7 Env-Ws 1105.01(k)(19) requires pool filtration systems to include a flow meter. The filtration system for the Pool did not include a flow meter.
 - 8 Env-Ws 1105.03(d)(2) requires spa filtration systems to include a flow meter. The filtration system for the Spa did not include a flow meter.

9. Pursuant to RSA 485-A:26, no person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, or as part of a business venture, unless the construction, design and physical specifications of such pool or bathing place shall have received prior approval by the division. A public bathing facility is defined as a swimming pool, spa or special recreation pool operated for any municipality, governmental subdivision, public or private corporation, partnership, association or educational institution open to the public, members or students, whether on a fee or free basis, together with buildings and equipment. This includes, but is not limited to, town public bathing facilities, public bathing facilities at hotels, motels, health facilities, water parks, condominium complexes, apartment complexes and public campgrounds. DES does not have any record of design approval for the new Spa located at the Franconia Inn, Franconia, NH.

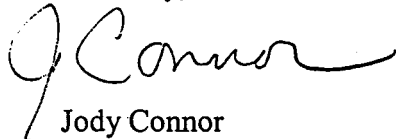
A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

1. The type, manufacture, and model of the chlorine feeder to be installed.
2. The type, manufacture, and model of the flow meter to be installed.
3. A completed application for the unapproved Spa.
4. A timetable of when:
 - a. the depth will be marked,
 - b. patron rules will be posted,
 - c. the installation of the chlorine feeder will be completed, and
 - d. the installation of the flow meter will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,



Jody Connor
Limnology Center Director

enclosures

cc: Mark Harbaugh, Enforcement Attorney, DES
Russell A. Nylander, P.E., Chief Engineer, WD/DES
Amy Wilson, Public Bathing Facility Coordinator, DES
Philip A. Payette, Health Officer, Town of Franconia